

### **REMARKS/ARGUMENTS**

The Office Action of November 8, 2005, has been carefully considered.

It is noted that claims 1-3 and 12-13 are rejected under 35 U.S.C. 102(b) over the patent to Wolf.

Claims 1-3, 6 and 12-13 are rejected under 35 U.S.C. 102(e) over the patent Burreson, et al.

Claim 6 is rejected under 35 U.S.C. 103(a) over Wolf in view of the Burreson, et al.

Finally, it is noted that claims 4, 5 and 7-11 would be allowable if rewritten in independent form.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Wolf, it can be seen that this patent discloses a fluid-powered actuator having a cylinder with magnetic field detectors thereon and a magnetized piston rod. The Examiner sites column 5, lines 21-29 as disclosing "one coil to which a current can be applied and whose magnetic field permits switching points of the Hall sensors to be adjusted in response to the coil current." Applicant respectfully submits that the four-core cables 36, 38 are not a coil. There is nothing in the passage cited by the Examiner which would suggest these cables form a coil as in the presently claimed invention.

Furthermore, Wolf does not disclose the arrangement of Hall sensors behind one another in the movement direction of the piston. As shown in the drawing of Wolf, the Hall sensors lie next to one another in a movement direction of the piston. Thus, applicant respectfully submits

that Wolf does not disclose a coil to which a current can be applied and whose magnetic field permits switching points of the Hall sensors to be adjusted in response to the coil current, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3, 12 and 13 under 35 U.S.C. 102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Burreson, et al. discloses a position indicating system. The Examiner refers to Fig. 13 of Burreson, et al. as showing a cylinder-and-piston arrangement comprising at least one Hall sensor and one coil. Applicant cannot find the Hall sensor 31 or the elements 36, 38, 40 mentioned by the Examiner anywhere in Fig. 13. Furthermore, the elements 36, 38, 40 which the Examiner refers to as "one coil" are in reality only the contacts or pins that project from the housing of the Hall sensor 31 (see column 6, lines 33-35 of Burreson, et al). Thus, Burreson, et al do not disclose a position-measuring device having a Hall sensor array with a coil to which a current can be applied and whose magnetic field permits switching points of the Hall sensors to be adjusted in response to the coil current, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3, 6, 12 and 13 under 35 U.S.C. 102(e) over the above discussed reference is overcome and should be withdrawn.

The Examiner combined Wolf and Burreson, et al in rejecting claims 6 under 35 U.S.C. 103(a). Applicant respectfully submits that a combination of these references does not teach the presently claimed invention as discussed above in connection with the rejections of the independent claims.

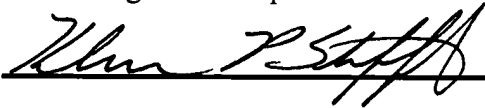
Thus, it is respectfully submitted that the rejection of claim 6 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

In the event any actual fee is greater than any payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 06-2143.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on March 8, 2006: Respectfully submitted,

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Signature

March 8, 2006  
Date of Signature



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